

Consent Agreement

Background

- A. Audrey Hanks is a licensed fiduciary and Professional Community Services is a licensed fiduciary business.
- B. On April 22, 2016, The Certification and Licensing Division received complaint number 16-0002 alleging among other things that Ms. Hanks and Professional Community Services inappropriately took possession of decedent's residence and certain personal property.
- C. On November 2, 2016, the probable cause evaluator entered a finding that probable cause existed that Ms. Hanks and Professional Community Services committed acts of misconduct related to the act of taking possession of decedent's residence and certain property.
- D. On November 10, 2016, complaint number 16-0002 was brought before the Fiduciary Board and the Fiduciary Board deferred the matter so that a Consent Agreement could be discussed.
- E. Ms. Hanks and Professional Community Services acknowledge that the Fiduciary Board would need to approve and be a party to any agreement.

Agreement

- 1. Ms. Hanks and Professional Community Services acknowledge that allegations of misconduct have been made against them in complaint number 16-0002.
- 2. The Parties each acknowledge that with the exception of the alleged acts of misconduct related to taking possession of decedent's residence and certain property, the Certification and Licensing Division's investigation did not substantiate and the probable cause evaluator did not find probable cause as to the other allegations of misconduct contained in complaint number 16-0002.
- 3. For the purposes of this agreement and the discipline described herein only, Ms. Hanks and Professional Community Services do not desire to contest or defend and do not make any admission concerning the allegations of misconduct.

4. The Fiduciary Board will Issue a Letter of Concern regarding the allegations of misconduct contained in complaint number 16-0002. As appropriate, the Letter of Concern may be used as an aggravating factor in any future disciplinary proceeding.

Dated this 16th day of May, 2017

Audrey Hanks

Audrey Hanks

Professional Community Services

By Audrey Hanks

Its President

Fiduciary Board

By [Signature]

Its [Signature]

**ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
INVESTIGATION SUMMARY and PROBABLE CAUSE ANALYSIS
and DETERMINATION REPORT**

<i>CERTIFICATE HOLDER/LICENSEE INFORMATION</i>	Certificate Holder:	Audrey Hanks
	Certification Number:	20268
	Business Name:	Professional Community Services
	Certification Number:	20312
	Type of Certificate/License:	IND, BUE
<i>COMPLAINANT</i>	Name:	Youssef Ragheb
<i>INVESTIGATION INFORMATION</i>	Complaint Number:	16-0002
	Investigator:	Pasquale Fontana

Complaint Received:	April 22, 2016
Complaint Forwarded to the Certificate Holder:	May 9, 2016
Certificate Holder/Licensee Received Complaint:	May 12, 2016
Response From Certificate Holder:	June 8, 2016
Period of Active Certification/Licensure:	January 14, 1999 – Present (Professional Community Services)
Status of Certification/License:	Active
Availability of Certificate Holder/Licensee:	Available
Availability of Complainant:	Available
Report Date:	November 1, 2016

ALLEGATIONS:

1. Complainant alleges Professional Community Services, Inc., under false pretenses, immediately after Decedent's death, obtained keys to Decedent's house, entered, stole documents and removed valuable items belonging to Decedent.
2. Complainant alleges Professional Community Services, Inc., filed a deliberately misleading petition in Superior Court.
3. Complainant alleges Professional Community Services, Inc., when appointed, failed to secure the estate, did not pay bills, and did not complete an estate inventory.
4. Complainant alleges Professional Community Services, Inc., breached its fiduciary duty by making no effort to inform beneficiaries and family of Decedent's death.

ADDITIONAL ALLEGATIONS:

None.

List of sources for obtaining information: (Investigative, records, outside resources, etc.):

- Written complaint and documentation submitted by complainant, Youssef Ragheb (“Ragheb”)
- Written response and documentation submitted by certificate holder, Audrey Hanks (“Hanks”), designated principal for Professional Community Services, Inc. (“PCS”)
- Review of applicable Certification and Licensing Division (“Division”) records
- Review of applicable sections of Arizona Revised Statutes (“A.R.S.”), Arizona Codes of Judicial Administration (“ACJA”) § 7-201 and § 7-202, and Arizona Supreme Court Rules
- Interview with Barbara Applegate (“Applegate”) Owner of A.G.E Consultants, Inc. (“AGE”)
- Interview with Laurel Zuckerman (“Zuckerman”)
- Interview with Hanks, Linda Hamilton (“Hamilton”) and PCS attorney, Stacey Johnson (“Johnson”)

PERSONS INTERVIEWED:

1. Barbara Applegate
2. Laurel Zuckerman
3. Audrey Hanks
4. Linda Hamilton

SUMMARY OF INVESTIGATION:

Ragheb is the surviving brother of Dr. Mohamed Aly Ragheb (“Dr. Ragheb”) who died on March 19, 2015. Ragheb alleged that immediately after his brother’s death, PCS, “under false pretenses,” obtained keys to the house, entered and stole documents belonging to Dr. Ragheb.

Ragheb accused PCS of deliberately filing a misleading petition with the Superior Court (“the Court”) and that after being appointed as fiduciary failed to secure the estate, did not pay bills, and did not complete an estate inventory. Ragheb claimed that PCS breached its fiduciary duty by making no effort to inform beneficiaries and family of Dr. Ragheb’s death.

Hanks, designated principal for PCS, denied the allegations and said that PCS was named as agent for Dr. Ragheb under powers of attorney although she acknowledged that PCS could not act pursuant to those powers of attorney because Dr. Ragheb passed away. Hanks said that PCS, in consultation with its then attorney, Catherine Egan (“Egan”), did what it could do to secure the estate until a Successor Trustee was appointed. She said PCS made diplomatic efforts to contact the beneficiaries. Hanks believed that Dr. Ragheb and his brother were estranged and knew that Ragheb was not a named beneficiary in the estate documents.

After PCS was appointed as Special Administrator and Successor Trustee, Hanks said the estate’s bills were identified and paid. She said PCS marshalled Dr. Ragheb’s bank accounts, secured the home, and inventoried the contents.

The trust referenced in this matter is the Mohamed Aly Ragheb Revocable Trust (“the Trust”).

SUMMARY OF FACTUAL FINDINGS OF INVESTIGATION:
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1. On April 22, 2016, the Division received a written Complaint against PCS. Ragheb said his brother died in his home on March 19, 2015. Ragheb alleged PCS, under false pretenses, obtained the keys to Dr. Ragheb’s house immediately after his death, entered the residence, and stole documents. PCS then used those documents to file a deliberately misleading Petition in Superior Court, Cause Number PB2015-003620, for its own profit.

Ragheb said, in its Petition to the Court, PCS deliberately misrepresented its relationship with Dr. Ragheb, its communications with beneficiaries, and the beneficiaries’ position regarding the Trusteeship. He said PCS stated that there had been communications with beneficiaries but Ragheb said this was false because the beneficiaries “never acknowledged receipt.” He said PCS implied that “beneficiaries had renounced (did not manifest themselves) [sic]” which he said was misleading because they had not been informed in the first place.

Ragheb specifically disputed PCS’ implication that it had been nominated to serve as Successor Trustee by Dr. Ragheb or that PCS had been named in a medical power of attorney from 1995 “exclusive for incapacity” and “until death.” Ragheb said there was no evidence that PCS was ever authorized by doctors to serve “even in this capacity.”

Ragheb claimed that PCS did not respect its fiduciary duty to inform beneficiaries and family and “made an effort NOT [sic] to inform because his contact information including address, email and telephone, and the Salvation Army’s contact information was known but not used. Ragheb said the contact information used for beneficiaries in Egypt “was deliberately incomplete (no street address) [sic] and vague (generic emails) [sic].”

Ragheb accused PCS of not respecting its fiduciary duty to secure the estate although he said this was PCS “justification for fixing an urgent vacancy.” He said, once appointed, PCS paid no bills, secured no property, contacted no one, and did nothing that a trustee/administrator should do. Instead, he claimed PCS “emptied the bank account” of \$26,000.00.

Ragheb wrote that PCS refused to comment or take action on the “possible theft from the estate.” He said crucial documents were missing, valuable items were removed and there was no inventory. He further said that PCS refused to explain how and when it acquired the Trust and the Will, documents to which PCS should have had no legal access prior to December 2015. He said PCS refused to comment on what it has done with the missing documents, where they are stored, and whether PCS destroyed documents.

Within his Complaint, Ragheb included a timeline of various dates beginning on March 19, 2015, through January 27, 2015 [sic].

[The Division notes that the January 27, 2015 date as it appears in the Complaint was written in error and should be read to reflect calendar year 2016]

Ragheb presented the following timeline:

March 19, 2015

- Date of Dr. Ragheb’s death. PCS demanded the house keys from AGE falsely claiming that PCS was representing the estate.

March 30, 2015

- Egan, an attorney “secretly” working for PCS, informed Bank of America of Dr. Ragheb’s death so that, on April 17, 2015, Bank of America resigns as Successor Trustee. No family, heirs, or beneficiaries are informed of the death.

April 25, 2015

- Ragheb wired \$668.00 to the funeral home to pay for cremation. The funeral home informs Ragheb of his brother’s death and of the bills that are to be paid. Ragheb said he knows “nothing of the actions” of PCS and Egan.

November 2, 2015

- PCS files PB2015-003620 which contains “deliberately misleading statements.” Ragheb identified the misleading statements as follows:

- PCS's relationship with the deceased;
- PCS's communications with the beneficiaries of the trust;
- PCS's relationship with Egan, who was presented as a professional with no interest other than to find the beneficiaries;
- Ragheb's address and contact information. His contact information was known to caregivers and to the funeral home yet PCS indicated vaguely in the Petition of a "brother in Europe."

January 20, 2015 [sic]

- PCS empties Dr. Ragheb's bank account in the amount of \$26,000.00.

January 27, 2015 [sic]

- There are over \$10,000.00 in unpaid bills, some accumulating late fees. No heirs or beneficiary has been informed of the death. The deceased's house is "completely unsecured ten months after the death."

Ragheb said that despite repeated demands for information, PCS refused to provide a detailed timeline and explanation for its actions; refused to provide an inventory of documents taken from the house; and refused to account for missing items including a very valuable watch collection.

2. On or about June 8, 2016, Hanks submitted a written Response. She said PCS became "acquainted" with Dr. Ragheb in 1995 at which time he completed "an intake form" on which he listed: "Relatives: None. Friends: None." She said, at that time, PCS was unaware that Dr. Ragheb had a brother. In 2015, AGE was engaged by Dr. Ragheb to assist him with personal care subsequent to his release from hospital per to a terminal illness. Hanks said AGE contacted PCS, as the named agent under powers of attorney, but by the time PCS became aware of Dr. Ragheb's condition he was actively dying and PCS was unable to act pursuant to either power of attorney.

Hanks stated that after Dr. Ragheb's death, PCS did what it could to secure the property until someone was put in place as Successor Trustee and/or Personal Representative. She said PCS was not aware of Dr. Ragheb's brother until AGE disclosed that information. She said Dr. Ragheb was an incredibly private man and if not for significant encouragement from AGE at the end of life he would not have had any contact with Ragheb. After Dr. Ragheb's death, PCS provided some information to the mortuary in order to facilitate his final disposition. Hanks indicated that PCS took a conservative approach preserving the integrity of the estate plan and protecting property until a fiduciary was in place. She said Ragheb has never contacted PCS but PCS contacted an attorney who represented him at the beginning of the Court proceedings. She added that PCS also had contact with a woman claiming to be Ragheb's power of attorney but Hanks opined that the document presented did not appear to be validly executed.

Hanks said PCS was appointed by the Court to serve as Special Administrator and Successor Trustee of Dr. Ragheb's Trust. She said, initially, PCS had only a copy of the Trust and did not have a Will. After appointment as fiduciary, PCS was able to get the Bank of America's ("BOA") cooperation to reveal that it possessed the original Will and Trust and BOA then turned those documents over to PCS. Hanks said the Will was filed with the Court and the special administration continues for the purpose of carrying out the pour over provisions in the Will. Hanks said, recently, while cleaning out Dr. Ragheb's home, PCS located a Second Amendment to the Trust which completely changes the beneficiary landscape. She said PCS is in the process of contacting these two new sole beneficiaries of the Trust, both are in Egypt. Hanks claimed that Ragheb was not listed in any of estate planning documentation and was not a beneficiary of the estate. Ragheb filed a Demand for Notice with the Court and because he is a potential creditor of the estate Hanks said he has been kept informed of the proceedings either through direct mail or through counsel.

Specific to the allegations presented in the Complaint, Hanks said that PCS has, at all times, and continues to comply with its fiduciary duties pursuant to Arizona law and ACJA § 7-202(J)(1), (6), and (7). She said in its Petition, PCS explained in detail to the Court how it was acquainted with Dr. Ragheb and the specifics of how a Successor Trustee was to be selected to serve. She said PCS attached a copy of the Trust to the Petition to assist the Court and that PCS did not state or imply that Dr. Ragheb nominated PCS to serve as Trustee. She said PCS was named as agent pursuant to medical and durable powers of attorney but PCS never acted on behalf of Dr. Ragheb in either capacity.

Hanks said PCS, through its prior counsel, Egan, worked diligently using diplomatic channels to connect with a representative of the Department of Pharmacology at Cairo University in Egypt. In the Response, Hanks attached copies of the communication with the sole beneficiary acknowledging receipt. She said pursuant to the Trust, the Department of Pharmacology is the only beneficiary unless and until the Trust is unable to complete the distribution. Further, Hanks said PCS stated, not implied, that the nominated Successor Trustee, BOA Arizona, declined to serve and PCS filed BOA's declination with the Petition. Hanks said PCS stated, not implied, that the sole beneficiary, the Department of Pharmacology at Cairo University, did not complete and return the nomination form PCS sent by Egan and, upon information and belief, had not nominated anyone else to serve as Successor Trustee.

Hanks stated that PCS and its counsel, "through great effort and diplomatic channels," eventually located individuals it believed represented the Department of Pharmacology at Cairo University and PCS was ultimately successful in establishing communication although it was difficult and mailing information was not immediately ascertainable. Hanks wrote that for purpose of nominating a Successor Trustee, the Department of Pharmacology was the only entity entitled to nominate. She said the recently located amendment to the Trust listed two

entirely different beneficiaries without any contingent or qualified beneficiaries and PCS is working on establishing communications with those two beneficiaries. Hanks said PCS actively carried out its fiduciary and legal duty to the named qualified beneficiaries except those now known to be excluded from Dr. Ragheb's estate plan.

Regarding the allegation PCS failed to secure the estate, Hanks said PCS was appointed Successor Trustee and Special Administrator by the Court's order filed December 1, 2015. Since then, PCS identified bills that needed to be paid to maintain the estate including the utilities and brought those items current. She said PCS carried out its fiduciary duties by marshalling the bank account, securing the home, and inventorying its contents, and that PCS had been actively administering the probate and Trust estates. Hanks said PCS published notice to creditors and mailed notice to known creditors including Ragheb who may have expended funds on behalf of Dr. Ragheb for the final disposition of his remains although, to date, she said he has not submitted a request for reimbursement and supporting documentation.

Regarding the allegation of possible theft of estate documents, Hanks said it is unclear what "crucial documents" are alleged to be missing but said PCS has the original estate planning documents including a Will, Trust, and Second Amendment to the Trust. Hanks said that, upon information and belief, Ragheb was not in Dr. Ragheb's home prior to his passing and would have no way of knowing the contents thereof. She said AGE staff spent a significant amount of time with Dr. Ragheb in his home prior to his death and they had not expressed concern that anything was missing from the home.

With respect to the allegation valuable items were removed from Dr. Ragheb's home, Hanks again said that it was unclear as to what valuable items were inside the home when Dr. Ragheb died that were allegedly removed or when. Once PCS had the legal authority to enter the residence and marshal the assets, PCS collected and protected the estate property, completed an inventory of tangible items, with photographs, and obtained appraisals as needed. Hanks said, upon information and belief, Ragheb was not in his brother's home prior to his passing and would have no way of knowing the contents thereof. She repeated that AGE spent considerable time with Dr. Ragheb and was in his home prior to his death and did not express concern that anything of value was removed.

Regarding assertions that PCS refused to explain how and when it acquired the Trust and Will to which PCS did not have legal access until December 1, 2015, Hanks said, excluding the amendment to the Trust, found later in a briefcase in the home, PCS received the original Will and Trust on December 8, 2015, from BOA, after PCS was appointed Special Administrator and Successor Trustee. She said that PCS has maintained all legally significant documentation and has given proper notice of court proceedings and documents filed therein. She said Ragheb was given an opportunity to appear at a Status Conference during which the Court

considered admission of the Will to probate and PCS continuing as Special Administrator. Hanks said Ragheb, his lawyer, and his “alleged agent under power of attorney” did not appear at the hearing. Hanks added that PCS has, at all times, acted in compliance with applicable Arizona law and the ACJA.

In the Response, Hanks responded to the timeline Ragheb presented in the Complaint:

March 19, 2015

Ragheb [*italics added*]:

- *Date of Dr. Ragheb’s death. PCS demanded the house keys from AGE falsely claiming that PCS was representing the estate.*

Hanks said Applegate, of AGE, was in possession of the house keys when Dr. Ragheb died. At that time there was no one acting as Successor Trustee or legal representative of the estate. PCS, on legal advice, being the nominated agent pursuant to powers of attorney and actively searching for someone with legal authority over the estate to intervene and act, did what was minimally advisable to secure the property pending formal administration.

March 30, 2015

Ragheb [*italics added*]:

- *Egan, an attorney “secretly” working for PCS, informed Bank of America of Dr. Ragheb’s death so that, on April 17, 2015, Bank of America resigns as Successor Trustee. No family, heirs, or beneficiaries are informed of the death.*

Hanks said Egan was openly assisting PCS in locating estate planning documents. She contacted BOA as the nominated Successor Trustee to notify them of Dr. Ragheb’s death so that BOA could initiate services as his successor but it declined to serve. Hanks said, at the time of Dr. Ragheb’s passing, PCS had not been appointed in a fiduciary capacity, did not have the original Will or Trust, and did not have complete information as to the final instructions for the estate. PCS knew only that Dr. Ragheb was estranged from his brother. Hanks said Applegate had Ragheb’s telephone number and had strongly encouraged Dr. Ragheb to contact his brother prior to his death because they had been estranged for many years. PCS obtained Ragheb’s name and number from Applegate and provided that information to the mortuary so it could contact Ragheb for disposition instructions.

April 25, 2015

Ragheb [italics added]:

- *Ragheb wired \$668.00 to the funeral home to pay for cremation. The funeral home informs Ragheb of his brother's death and of the bills that are to be paid. Ragheb said he knows "nothing of the actions" of PCS and Egan.*

Hanks said that it was PCS who gave the mortuary information about Ragheb. She said while PCS had no legal authority to act on behalf of Dr. Ragheb or his estate at the time, it did provide Ragheb's name to the mortuary as next of kin. Hanks said it was unclear what Ragheb refers to as "bills to be paid" but at the time, the only bill in question was the mortuary bill for final disposition. Hanks stated that PCS had no authority to make decisions or pay bills until December 1, 2015.

November 2, 2015

Ragheb [italics added]:

- *PCS files PB2015-003620 which contains "deliberately misleading statements." Ragheb identified the misleading statements as follows:*
 - *PCS's relationship with the deceased;*
 - *PCS's communications with the beneficiaries of the trust;*
 - *PCS's relationship with Egan, who was presented as a professional with no interest other than to find the beneficiaries;*
 - *Ragheb's address and contact information. His contact information was known to caregivers and to the funeral home yet PCS indicated vaguely in the Petition of a "brother in Europe."*

Hanks said PCS made full disclosure to the Court regarding its nomination as agent pursuant to powers of attorney. Regarding communications with the beneficiaries of the Trust, Hanks enclosed with her Response, copies of communications between PCS's former attorney, Egan, and the beneficiary. Egan contacted the bank in an effort to engage the nominated successor trustee and PCS and Egan "worked diligently to establish a successor trustee due to the vacancy left by Bank of America's declination to serve."

Hanks acknowledged that the Petition indicates a "brother in Europe." She said during the hearing, PCS's new counsel advised the Court that she was not sure whether prior counsel had made contact with Ragheb. Hanks said counsel advised the Court that based upon available information, the known estrangement of the brothers, and Ragheb being "noticeably absent for all available estate planning documents," it may be inappropriate to give him sensitive information about the estate. Hanks said this position was proven prudent and appropriate based upon the original estate planning documents that were ultimately retrieved. She said it

was clear that Dr. Ragheb did not want Ragheb involved in his financial or personal affairs, or estate. Hanks said PCS is obligated to effectuate Dr. Ragheb's wishes and has "worked tirelessly to that end."

January 20, 2015 [sic]

Ragheb [italics added]:

- *PCS empties the deceased's bank account in the amount of \$26,000.00.*

Hanks said the bank account was not in the name of the Trust and was in Dr. Ragheb's name. Despite being appointed Special Administrator, PCS had difficulties working with BOA's legal department to have them honor the Court's order and Letters of Appointment. Hanks said it was true that PCS "emptied" the bank account and did so as part of its obligation to marshal and protect estate assets.

January 27, 2015 [sic]

Ragheb [italics added]:

- *There are over \$10,000.00 in unpaid bills, some accumulating late fees. No heirs or beneficiary has been informed of the death. The deceased's house is "completely unsecured ten months after the death."*

Hanks wrote that there are a number of unpaid bills. She said the creditor claim period has not concluded and only expenses of administration and last illness are to be paid until the end of the creditor claim period. Hanks said PCS expended funds to secure the home, its contents, and prepare the home for sale. Hanks said PCS notified the beneficiary of the Trust with updated notification of the newly discovered change in beneficiaries pending. PCS did not directly notify Ragheb. Hanks stated that Dr. Ragheb's house was in a guard gated community and was secured subsequent to his passing.

In closing, Hanks said that Dr. Ragheb indicated in 1995 that he had no family or friends that he wished to list on PCS's intake form and she said the two brothers were estranged. Ragheb is not a beneficiary under valid and enforceable estate planning documents. His prior attorney, McDaniel, submitted a Demand for Notice on Ragheb's behalf on February 3, 2016. Since that time, Hanks said either McDaniel, who has since withdrawn as counsel for Ragheb, and/or Ragheb have been receiving all pleadings filed with the Court. Hanks said Ragheb has and will continue to receive proper notice pursuant to the Demand for Notice and as a potential creditor of the estate. She added that PCS is also obligated to prudently manage expenses of administration and will not pursue claims of no potential value to the estate.

Hanks indicated that the Court ordered inventory is due June 20, 2016, and Ragheb will receive a copy of same.

With the Response, Hanks provided various supporting documentation, marked as Exhibits 1 – 11.

3. On August 18, 2016, Division Investigator, Pasquale Fontana (“Investigator Fontana”) conducted a telephonic interview with Applegate. She said her agency, AGE, was referred to Dr. Ragheb after he was hospitalized in 2013. She said he was competent and fully engaged in managing his own affairs but required physical assistance and care given his medical condition. She said at a point during their involvement, Dr. Ragheb told her “if I cannot take care of myself, I have a document...you just call those people” and he told her where that document was located in his home. She said she did not have permission to be in the room where the document was located so she did not review the paperwork at that time but said she knew that PCS was named agent.

Applegate said Dr. Ragheb’s health had deteriorated significantly and he was hospitalized on February 28, 2016. At that time, Applegate said she called PCS and left a message “as a heads up” but she did not hear back from anyone. On March 10, 2015, Dr. Ragheb was discharged from hospital and placed into in-patient hospice care until March 13, 2015, at which time he returned home. Hospice care was provided for him at home and AGE provided companion care. Asked about Dr. Ragheb’s mental acuity at that time, Applegate said he was still “able to continue to direct” and he avoided taking pain medication in an effort to keep himself “very coherent and cogent.” However, he became increasingly uncomfortable due to pain and the hospice nurse told Applegate that he would require additional pain medication which would hinder his ability to make decisions. Applegate said she sent an email to PCS requesting the fiduciary’s involvement.

On March 13, 2015, at Dr. Ragheb’s request, Applegate said she retrieved the powers of attorney document he had drawn up twenty years earlier naming PCS as agent. On March 16, 2015, Applegate said she met with Hanks and Hamilton at Dr. Ragheb’s home and the fiduciaries “looked through everything and asked for documents.” Applegate said she did not have authority regarding other documents and gave PCS the power of attorney document, as directed by Dr. Ragheb, showing PCS had “the ability to engage financially.” Applegate said she was not aware of any Trust or Will. She added that as Dr. Ragheb became unable to make decisions for himself hospice care needed someone in place to make medical decisions for him. Applegate said the power of attorney document required two signatures verifying that Dr. Ragheb was unable to make his own decisions so she tried to have the hospice physician sign accordingly. Although one signature was obtained, Dr. Ragheb died before the hospice physician was able to sign so PCS was unable to act under the authority of the medical power of attorney.

Regarding Dr. Ragheb's financial matters, Applegate said PCS reached out to "where all of his funds were being held" and noticed that the "service" holding his funds had been closed for the last eight (8) or ten (10) years and none of the professionals involved were notified. She said it may be possible that Dr. Ragheb was aware of this and had not "put two and two together" meaning that no one could access his accounts.

Regarding Dr. Ragheb's home and keys to the residence, Applegate said that PCS told AGE to give them the house keys and garage door remotes then leave because PCS "felt that they were still going to be able to get special agreements that they could continue, given the circumstances." Applegate said on March 19, 2015, after Dr. Ragheb passed, AGE staff remained in the home to ensure that his remains were removed and the medical hospice bed had been taken out then AGE staff contacted PCS to inform them accordingly. Applegate said Hamilton came to the residence and asked for the house keys stating, "I'm closing up because I'm now fully responsible." Applegate said according to case notes on file, on March 20, 2015, her staff arranged to mail two garage remotes and final paperwork for processing to PCS. The final paperwork was the final bill for AGE's services although she said her agency has not been paid for \$8,000.00 in services they provided to Dr. Ragheb.

Asked whether, under Dr. Ragheb's instructions or otherwise, any item of value or any document was taken out of the home while AGE had keys to the residence, Applegate said no and, per her agency's policy, she would not allow any of her staff to remove anything from the home even if they were told they could.

Applegate said on March 16, 2015, while Dr. Ragheb was still alive and PCS representatives were at the home, Hanks and Hamilton took pictures and started doing an inventory. Applegate recalled that when Dr. Ragheb had previously instructed her to get the powers of attorney documents she found them in one of three brief cases. Two of the brief cases contained various stones in containers and the third contained the powers of attorney document. When Hanks and Hamilton came to the home, Applegate said she showed them the stones and also looked into closets and drawers containing watches and clothing. Applegate stated that she did not find any Trust or a Last Will and Testament documents but said she did not go through the entire packet because "that was not my business." She saw other documents in that packet but said she looked only for the original medical and durable powers of attorney records and saw that PCS was named agent. Applegate said that PCS had access to all of the other documents in that packet.

Regarding family members, Applegate said Dr. Ragheb told her that he did not communicate with his brother because they were both too busy but not due to any animosity between them. He indicated that he would be calling his brother "when he was ready" but Dr. Ragheb did not want anyone else to contact him. Applegate said Dr. Ragheb briefly called his brother in 2013 but she was not present at the

time although one of her staff was present. After Dr. Ragheb's second hospitalization in February 2015, Applegate hoped that he would give them or PCS permission to contact his brother but Dr. Ragheb was unwilling to do so and did not give a reason. Applegate said she recalled Dr. Ragheb telling her that he intended to give his funds to the university he had attended in Egypt. He also mentioned owning a home in Egypt that he wanted to renovate so he could return but apparently a cousin or friend told him it was too dangerous to return. Applegate said Dr. Ragheb kept his contacts and conversations personally and he did not share.

Applegate said AGE had Ragheb's name and telephone number and passed that information on to PCS. She said because PCS had access to all of Dr. Ragheb's documents including any contact information available, Ragheb's contact information would likely be found on those documents.

Applegate said her "gut feeling" was that PCS got actively involved and "really wanted to do the right thing" but she did not know why PCS had not remained in touch with Dr. Ragheb over the years given that PCS were named agents in the original documents.

4. On August 22, 2016, Investigator Fontana conducted a telephonic interview with Zuckerman. She identified herself as Ragheb's friend and knows him because he is a good friend of Zuckerman's husband; all of whom reside in France. Zuckerman said Ragheb signed a power of attorney document naming her as agent so that she could assist him with the situation in Arizona regarding his deceased brother's estate. She said Ragheb is presently on vacation and unavailable for interview and she is in the process of helping him draft a rebuttal to PCS's Response to the Complaint. Zuckerman said that she wanted to speak with Division staff about the circumstances surrounding this matter.

Zuckerman said Ragheb only learned about his brother's death sometime in April 2015, when he was contacted by the funeral home seeking permission to cremate Dr. Ragheb and to get payment for those services. At the time, Ragheb himself had been hospitalized and was unable to do much regarding the estate so he asked Zuckerman's husband to help. She said Ragheb assumed that he was the heir of the estate because he was the only living relative and apparently the funeral home staff told him that according to Arizona law living relatives become the heir.

Zuckerman said, in France, when someone dies, there are a lot of procedures and regulations and someone usually contacts family members. Ragheb assumed that this would be the case and that someone from the United States would contact him. However, other than the mortuary informing him of his brother's passing, no one contacted Ragheb. Zuckerman said "lots of people knew" that Dr. Ragheb had a brother and his contact information would be at the Dr. Ragheb's residence. She said AGE had the contact information.

Zuckerman said Ragheb was too ill to take on much himself and when he learned that she was traveling to Arizona in January 2016, he asked her to check on his brother's house and to "see what's happening" because Ragheb was very worried about the property and did not know if any of the bills were being paid. Zuckerman said on January 21, 2016, she and a girlfriend went to the property, spoke with the security guard at the gate, and explained who they were. At that time, Zuckerman said she did not have a power of attorney because she did not know that anything would be required. She said Ragheb had assumed that he would was the estate heir because he had not heard from anyone.

Zuckerman said the security guard did not know anything about the situation so she asked him if they could see the house and take pictures for Ragheb to show him that the property was in decent shape. She said the guard would not permit them to drive the car in but allowed them to walk to the property. She said they took pictures of the exterior of the home and saw two notices on the front porch area including one from BOA stating "call urgently" at the telephone number provided on the notice. Zuckerman said they did not know where the mailbox for the house was located so they asked the security guard what happens to the mail but he did not know and referred them to the property manager, Scott Ring ("Ring"). Zuckerman said she contacted Ring and arranged to meet with him the following week.

According to Zuckerman, at the meeting with Ring, he brought along a real estate agent and that is when Zuckerman learned that the home owners' association ("HOA") had assessed late fees on the property. She asked Ring if anyone had informed the HOA that Dr. Ragheb died but apparently no one had so the HOA continued to assess late fees. At that point Zuckerman realized that nobody was doing anything regarding the estate. She said Ring told her to check to see if there were any outstanding bank payments and taxes and said Ring also told her that she would need to have a power of attorney for Ragheb in order to access Dr. Ragheb's home. Ring did not have a key to the residence and did not know who did so he recommended that she hire a locksmith.

Zuckerman said Ragheb then went to a local bank in Paris and had a power of attorney document prepared after which, on February 1, 2016, Zuckerman and others, with Ring's permission, met with the locksmith at the property. Once inside Zuckerman found the home to be orderly and in "impeccable condition" and the air conditioner was operating. She said she went through each room and took about 70 pictures. Ragheb told her that his brother was a collector and had replicas of Faberge Eggs and owned many watches so Zuckerman was looking for valuable items. She said they were trying to locate documents, bank account statements, and any household bills to determine what was outstanding but all the drawers had been cleaned out. She said there were empty watch boxes and, with the exception of several luxury pens and a license plate, the drawers had been emptied. She said they knew that Dr. Ragheb had purchased a Mercedes several years ago so they were worried that it had been stolen although, despite "a wild

goose chase” they later learned that the car had not been stolen but returned to the dealership while Dr. Ragheb was still alive.

Zuckerman said they had assumed that no one was taking care of the property but when they found documents and other items missing they were stunned. She said it was not just a matter of any sensitive documents but that “everything was missing” although the closets contained Dr. Ragheb’s guns, clothing, and briefcases, which she opened but found nothing. She said there was expensive photography equipment and a computer so they determined that only the luxury watches, expensive Faberge Eggs, and documents were missing. Zuckerman said on the kitchen counter was a business card of Dr. Ragheb’s tax accountant and a few papers from 2013 from someone who had come to the house to assist him with physical care and they found notes from a speech therapist. Zuckerman said there was also a notice on the kitchen counter saying “We missed you” with a date after Dr. Ragheb’s death so they thought someone had keys but did not know he had died. Zuckerman said they took Dr. Ragheb’s computer but realized it was only used for photographs and nothing else. She later returned it to PCS’ attorney.

Zuckerman said after everything they had encountered they discussed whether the police should be called because they were concerned about possible identify theft. She said they talked to the neighbors and to the security guard. They asked the guard for entry logs showing a record of anyone who entered the gated community. The guard gave her the logs to review and she found log dates around the date of Dr. Ragheb’s death were missing.

The following day Zuckerman called the BOA and insisted on speaking with a bank manager to inquire about any suspicious activity on Dr. Ragheb’s bank account and to see if any payments were made. Apparently the bank manager said that on January 26, 2016, someone had withdrawn \$26,000.00 then closed the account. The bank manager found a notation showing Hanks’ name and a probate file number. Zuckerman hired attorney, Richard McDaniel (“McDaniel”), went to the Court house to research the probate file, and discovered that PCS had been named Special Administrator and Successor Trustee. Zuckerman said she conducted internet searches and made attempts to contact Hanks but said she “never answers” her telephone and some of the numbers listed for PCS were not functional.

On or about February 3, 2016, Zuckerman said McDaniel contacted PCS’ attorney, listed on the Petition that PCS filed, to get information on what was happening. She said they read the Petition “very carefully” and said PCS made it sound like it had a relationship with Dr. Ragheb. At that time, Zuckerman said they did not know whether there was any relationship so McDaniel asked PCS about a Will and pointed out that in the Petition PCS stated that Dr. Ragheb “died intestate and that no Will had been filed.” She said McDaniel told them that if no Will had been produced and filed then Ragheb would be the heir to the estate and

McDaniel asked why Ragheb had not been contact and why PCS took the money out of Dr. Ragheb's bank account. At that point PCS indicated that a Will had been located.

Zuckerman said PCS, with the Petition it filed in November 2015, had attached a copy of a Trust. In reviewing those documents Zuckerman said she learned that Dr. Ragheb's house was part of the Trust and that the Trust had beneficiaries. She said when Ragheb submitted his Complaint they had been repeatedly asking PCS for proof that it had contacted the beneficiaries but PCS refused to give any information so "we assumed that they were lying." Zuckerman said she tried, unsuccessfully, to contact the beneficiaries in Egypt. She acknowledged that she and Ragheb "mistakenly" thought that PCS had not contacted the beneficiaries in Egypt. Zuckerman said contacted the Salvation Army, also a beneficiary of the trust but the Salvation Army had not heard anything.

Zuckerman stated that PCS "lied about how they contacted Egypt and about how Egypt responded." Asked how she determined that PCS had lied, Zuckerman said when PCS submitted its Response to the Complaint, a copy of which was forwarded to Ragheb by the Division, PCS included copies of emails sent from Egan's office to the Egyptians. In one email to the Pharmacology Department of Cairo, dated April 7, 2015, Zuckerman said Egan's office presented Dr. Ragheb as Egan's client but this was not true. In another email, dated April 24, 2015, Egan's office said they were assisting the power of attorney "as if PCS was the power of attorney" and the email also stated that "the power of attorney has agreed" etc. Zuckerman said these emails were written in April 2015, seven months before PCS was appointed so "they're nobody at this point." She added that in its Response to the Complaint, PCS even verified that by the time it became aware of Dr. Ragheb's condition, he was actively dying and PCS was unable to act pursuant to either power of attorney. Zuckerman said this was something they had suspected but PCS confirmed that suspicion in its Response.

Zuckerman asserted that PCS never acted as power of attorney because it never had it and "it's simply a lie and they admitted it in the documents they sent." Zuckerman said on the one hand she and Ragheb did not know that PCS had actually contacted beneficiaries in Egypt but on the other hand, after receiving a copy of the Response, Zuckerman and Ragheb realized that PCS had "misled the Egyptians as to who they were." She added that in the Petition PCS stated that the Egyptian had "failed to manifest themselves" but, in fact, the answer from the Egyptians was to inform PCS that they were forming a committee to deal with this.

Zuckerman said in February 2016 when she found out that PCS had been appointed by the Court she respected the Court's authority. Apparently, at that time PCS told her not to return to the residence so she did not.

Zuckerman stated that she has concerns about the documents that were found. In the November 2015 filing, PCS included a note from BOA indicating that the bank had delivered the original documents to PCS in December 2015. Zuckerman said she contacted the two people that had signed the letter from the BOA. She said Michael Cooper (“Cooper”) told her that Egan had contacted him regarding Dr. Ragheb’s death and that it was BOA policy to decline serving as Successor Trust if the estate was worth less than a million dollars. He also said it was BOA policy to return original documents to the owner and that a note on the file indicated that the original trust and Will had been returned to Dr. Ragheb in 1995. Zuckerman said the BOA letter indicated that it had delivered the original documents to PCS in December 2015. She said it seemed odd to her that documents that likely would remain in a group would “dribble out” at different times and in different places stating, “It doesn’t make any sense.” She said in March 2016, PCS apparently found an amendment to the Trust. Zuckerman said she has concerns about where the documents are located, who has them, and under what authority PCS removed them from Dr. Ragheb’s home at the time of his death.

[The Division reviewed a letter from BOA, dated April 5, 2016, confirming that BOA had in its possession Dr. Ragheb’s original Will and Trust and, at Hanks’ request as Special Administrator and Successor Trustee of the Trust, the original documents were delivered and turned over to Hanks on December 8, 2015]

Zuckerman said when she first learned about AGE’s involvement with Dr. Ragheb, she met with the staff member who personally assisted him. This individual informed her that shortly after purchasing the Mercedes in 2013, Dr. Ragheb had significant medical problems rendering him unable to drive so he worked out an arrangement with the dealership that they take the car back and did so several months prior to his death. The staff member also said that shortly after Dr. Ragheb’s died, PCS came and said they were handling the estate and demanded the keys to the house so he gave them the keys. Zuckerman said he also mentioned that PCS had not previously been involved with Dr. Ragheb.

5. On September 7, 2016, Investigator Fontana conducted a telephonic interview with Hanks, Hamilton, and attorney, Johnson. Regarding the powers of attorney Dr. Ragheb signed in 1995 naming PCS as agent, Hanks confirmed that PCS had retained a copy of those documents in 1995 for its files. Asked if PCS had any contact with Dr. Ragheb from 1995 to 2015, to which Hanks replied that they had spoken with him and his attorney in 1995 and he had indicated then that there was no need to meet. PCS completed an intake form which they sent him and he sent it back indicating that he had no family and friends. She said the only other contact with Dr. Ragheb occurred when AGE contacted PCS just prior to his death. Hanks said in the days before he died, Hanks met with him privately and asked him if there was anyone PCS should contact but he said that he did not wish to have anyone contacted.

Investigator Fontana reviewed the Response to the Complaint whereby Hanks said that Dr. Ragheb was actively dying therefore PCS was unable to act pursuant to either powers of attorney and had no legal authority to act on Dr. Ragheb's behalf. Hanks was asked about her understanding of the authority granted in the powers of attorney to which she replied "that it ended when he died." Investigator Fontana referenced pages 1 and 13 of the referenced power of attorney document that read that power of attorney became effective only upon Dr. Ragheb's disability and that the determination of disability required two physicians' signatures that were familiar with him and both certifying that he did not have capacity. The document also read that the power of attorney terminated upon death. Asked if the required medical signatures were obtained, Hanks said "Yes, we tried to get two hospice doctors." She said Dr. Ragheb was very private and independent and "he was making his decisions almost right up until his death to the point that he did finally agree that we could get hospice involved." Asked if he was lucid and able to direct, Hanks affirmed that he was and that he did not want to take medication because he wanted to make his own decisions and he died shortly thereafter.

Asked to explain under what authority PCS was acting on Dr. Ragheb's behalf from the time of his death to PCS's court appointment in December 2015, Hanks said they were not acting on his behalf. Asked to explain PCS's role at that point, Hanks said they contacted PCS's attorney, Egan, and said "...we have these powers" and told her that that Dr. Ragheb had died without any family that PCS was aware of and PCS records indicated that BOA was named Successor Trustee but the residence had to be secured and someone needed to be holding the house keys. Egan advised them "since we were power of attorney" that PCS should hold the keys and that Egan would contact BOA.

Hanks was asked to clarify because she previously stated that PCS did not have authority pursuant to the powers of attorney after Dr. Ragheb's death. She said, "Not after he died but before he died we were endeavoring to add on the bank account." Johnson interjected and stated, "Certainly a power of attorney agent can do what they need to, to secure and maintain property until a lawful representative is appointed but you can't really do much more than that." She said that if the implication was that PCS should have just left the doors open and the keys on the kitchen table, it would be a "pretty incredible allegation." Johnson added that there was no legal authority "stemming from an active POA" because the power that is transferred or shared is terminated upon death. She said PCS sought advice from counsel (Egan) as to what it could and should do to protect the estate until a lawful representative could be appointed. Asked if she agreed with Johnson's statements Hanks said she did and stated, "We couldn't leave the house unsecured" and could not leave the keys with AGE.

Asked what advice or direction Egan gave PCS about what the fiduciary could or could not do in this matter, Hanks said Egan told them to secure the house and that she would contact BOA because it was named in the estate documents.

Investigator Fontana referenced a June 6, 2016, fiduciary license renewal form Hanks submitted to the Division whereby she indicated that Egan was hired on March 15 and then aggressively contacted the University of Cairo with telephone calls and emails but that the response from the University was negligible from April 2015 to December 2015. Hanks was asked if she was instructing Egan's office to act on PCS's behalf to which she said "we were just trying to follow his [Dr. Ragheb] documents and somebody had to make contact." She stated that after BOA declined to serve as Successor Trustee then the University of Cairo was next in line to name a Successor Trustee. Questioned about whether PCS was actively looking to administer the Trust, Hanks said, "We were not actively looking to serve as Trustee of the Trust, we were trying to get the University of Cairo to name someone." Hanks was aware of the emails Egan and her office sent out to the University of Cairo.

Investigator Fontana reviewed, with Hanks, portions of emails Egan sent to the University of Cairo in April 2015, in which PCS was identified as the power of attorney. Hanks replied, "I think that's wrong, she shouldn't have done that." Johnson clarified that on a May 19, 2015, letter, Egan indicated that PCS was nominated as power of attorney during Dr. Ragheb's lifetime and that PCS agreed to serve as Successor Trustee upon approval of the beneficiary and that the beneficiary has the ability to nominate and appoint. Hanks said she had provided Egan with a copy of the powers of attorney.

Hanks was asked what documents she reviewed and/or had in her possession immediately upon Dr. Ragheb's death to which she said the powers of attorney and Trust. Asked how she obtained a copy of the Trust, she said it was at his home but Hamilton said that PCS had a copy of the original Trust in Dr. Ragheb's 1995 file which he apparently gave them in 1995. Hamilton said PCS also had a copy of a draft Will but that it was not signed. Hanks stated that prior to Dr. Ragheb's death PCS successfully attempted to contact the attorney that prepared the estate documents. She said the original Trust was in Dr. Ragheb's desk. Asked to identify the documents PCS obtained from Dr. Ragheb's residence after his death, Hanks said there were copies of the powers of attorney and the original Trust. When asked if she removed any of those documents from the home prior to PCS being appointed by the Court, Hanks said "yes" and that they had removed the original Trust and powers of attorney documents as well as documents for the line of credit loan from BOA. Hanks said, on Egan's advice, they were told to remove "anything of value" from the home and Egan considered the original Trust valuable.

Investigator Fontana referenced the Response to the Complaint addressing Ragheb's March 30, 2015, timeline, in which Hanks wrote, in part, that PCS did not have the original Will or Trust. She said that this was miscommunicated and said that BOA had the original Will and the Trust and that she misstated that they had the original Trust from Dr. Ragheb's residence. Hanks said that PCS did not have a copy of an unsigned draft Will and then presented as confused about what

documents PCS retained in 1995 and later obtained from Dr. Ragheb's residence after his death. Hanks then clarified that in 1995 PCS had a copy of the Trust, the draft and unexecuted Will, and powers of attorney although this seemed to contradict previous statements. Johnson said "the wet ink signature of Trust" and the Will were with BOA. PCS had a copy of the executed copy of the Trust and the unsigned version of the Will and got the original documents from BOA. Asked if she agreed with those statements, Hanks said she did.

Asked when PCS became aware of the amended Trust, Hanks said they located it in Dr. Ragheb's home after PCS was Court appointed and was completing the inventory.

Given the circumstances regarding the number of months attempting to contact the beneficiaries in Egypt and due to what Hanks described as "negligible response" from them which hindered the administration of the Trust, Hanks was asked whether PCS considered filing a Petition before the Court to be appointed Special Administrator or Personal Representative before doing so in November 2015. She said Egan suggested that the matter was "dragging on" and that PCS should hire an attorney and Petition the Court. Johnson added that Egan does not do this type of Court work so she suggested that PCS hire an appropriate attorney. Hanks stated that once the Egyptians responded that they were going to form a committee, Egan thought PCS should proceed with a Petition. Johnson verified that the beneficiaries notified Egan's office via email on May 26, 2015, that they were in the process of forming a legal committee. Hamilton added that PCS considered petitioning the court because the Salt River Project ("SRP") was turning off the electricity, the water had been shut off and "the house was just sitting there" and "we had no authority to do anything with it."

Other than the documents Hanks said were removed from the residence after Dr. Ragheb died, she was asked what items of value were taken to which she said, in consultation with Egan, "we were responsible even though we weren't legally responsible because there was nobody else to be responsible." Hanks divulged that they took watches, high end writing pens, and jewelry but did not take various cameras and binoculars. Asked if pictures were taken of anything that left the home at that time, Hanks said they did not take pictures then said they did take photographs. Asked where those valuables were stored Hanks said they were placed in an off-site, locked storage unit specifically rented for these items.

Hanks said when they initially secured the property in March 2015, they requested that Dr. Ragheb's mail to be forwarded to PCS. Asked if they opened the mail, Hanks said, "Not at first, no" and when asked when they first started opening his mail she said, "When we got several of the same letters." Hamilton said several months passed and "we started getting nervous" about what to do with these and they wanted to see what was going on. They saw bills from "the loan people," utilities bills, and taxes, and the HOA had put a lien on the property. Hanks said they became aware of this when they opened his mail and they were

filing the bills for “whoever would take over, hopefully.” Hanks said they became aware that Dr. Ragheb had a mortgage or line of credit when they initially met with BOA. She said PCS was getting calls from creditors and when asked how creditors knew to seek out PCS, she said “the mail was changed to our address.”

Asked how they obtained the keys to Dr. Ragheb’s house, Hanks said AGE had the keys “but we had no authority to do anything other than to accept these keys.” She said AGE did not want to keep the keys and asked what they should do with them. Hanks denied that PCS made any demands for the keys under the authority of a power of attorney. Hanks was asked if they returned to the residence after they left, she said they did not because PCS did not have authority to do so. Hamilton said after securing the keys on March 19, 2015, they returned to the residence on March 23 and 24, 2015, to retrieve the valuables items, as previously noted, then again for a final time on March 25, 2015, to ensure that everything was secured and locked, to adjust the air conditioner, and to make certain that they were not missing anything of perceived value. Hanks stated that PCS had a key and that AGE also had a key which they kept in order to allow the hospice people to pick up the hospice bed and oxygen tank. After that occurred, Hanks said AGE left the key in the home and locked themselves out.

Asked when the watches, jewelry/stones were removed, Hanks said it was done on March 23, 2015 and March 24, 2015. Questioned whether they had any concerns in addition to PCS, AGE staff had access to the property while items of value were in the home, Hanks said they had no reason to think that AGE staff would do anything untoward. Hanks said she was not aware of any valuables until March 23, 2015, and she denied seeing any watches, cameras or jewelry etc. when they were at the home prior to Dr. Ragheb’s death and when they were looking for estate documents.

[The Division notes that Hank’s version differed from the account provided by Applegate whereby she said that on March 16, 2015, prior to Dr. Ragheb’s death, she showed Hanks and Hamilton the watches, jewelry stones, cameras etc. at that time]

Asked if PCS destroyed any documents, as stated by Ragheb in his Complaint, Hanks denied that PCS destroyed any documents but said Dr. Ragheb destroyed documents and did not even save his bank statements.

Hanks was questioned as to what specific actions PCS took to secure the property after it was appointed Special Administrator and Successor Trustee in December 2015. She said they started with BOA to open an account and said it was “quite an ordeal maneuvering the legal department of Bank of America to get this account open” even with the issued Letters of Appointment. Johnson added that while it was difficult for PCS to obtain information from BOA, the bank allowed Ragheb and/or his agent, Zuckerman, to get that information. Johnson said while Zuckerman and Ragheb received information from the bank it did not appear that

they accessed the account. Hanks verified that PCS marshalled the bank accounts on January 27, 2016, and started the inventory on February 3, 2016, after the utilities were restored to the property. She said they learned from the security guard stationed at the gate that on February 1, 2016, Zuckerman, apparently posing as a realtor, got through the gate and brought a locksmith to change the locks. Asked if anything was taken from the house Hanks said Zuckerman took a computer but they did not know if anything else was removed from the residence. Johnson stated that a computer, some miscellaneous items, and a license plate were taken. Asked whether they were aware of a vehicle, Johnson said that Dr. Ragheb sold a vehicle prior to his passing.

Hanks was asked when PCS informed the security guard that PCS was appointed by the Court, she said they notified the “gate” by telephone but could not recall when but said it was done prior to Zuckerman changing the locks in February 2016.

Regarding Ragheb’s allegation that an inventory was not completed nor were any estate bills paid, Johnson stated that the inventory and appraisal was completed and timely filed and that PCS sought and was granted, by the Court, an extension to the filing because of the volume of items in the home. With regard to estate bills, Johnson said that this was now a decedent’s estate so PCS could not simply pay bills because “those were now creditors.” She did not know if all the bills were paid but she said having the utilities restored and maintaining the property were top priorities. She said that there may be other creditors who were not entitled to payment until after the creditor claim period has passed but even then PCS had to be concerned with liquidity in the estate to maintain the property until it could be sold. Hanks agreed with Johnson’s statements.

Johnson stated that there may be bills that deliberately do not get paid because they are not timely in terms of creditor claim period and PCS cannot favor one creditor over another unless they have a priority for appointment but PCS still has to follow the rules respecting the creditor claim period. PCS could then pay the bills in order to preserve and protect the property until sold. Johnson said AGE submitted a claim and it was addressed timely and Ragheb also submitted a claim which is being addressed timely. Hanks stated that she agreed with all of Johnson’s statements and added that PCS paid the HOA fees in order to get the lien removed from the property. Johnson said PCS has a very small amount of money available to preserve and protect the bills until they are able to sell the house. At present, the property is “actively marketed” but it has not yet sold so there is very little liquidity. Hanks said that the legal and fiduciary fees have not been paid.

Regarding family and beneficiaries, Hanks said AGE provided Ragheb’s name, whereabouts (Paris, France), and contact telephone number the day before Dr. Ragheb died. Apparently AGE had spoken with him at length telling him that he should not die without talking to his brother and they convinced him to call.

Hanks said she provided the mortuary Ragheb's name and telephone number because the mortuary wanted to have Dr. Ragheb buried. She said, "We had no authority" and the mortuary asked for family. Hanks said the reason PCS did not contact Ragheb was because of two conversations she had with Dr. Ragheb. The first was in 1995 when he indicated that he did not have family and the second just prior to his death when she said she asked him if he wanted anyone contacted but he said he did not. Hanks restated that Ragheb was not named in his brother's legal documents.

ANALYSIS OF ALLEGATIONS:

Allegation 1: Complainant alleges Professional Community Services, Inc., under false pretenses, immediately after Decedent's death, obtained keys to Decedent's house, entered, stole documents, and removed valuable items belonging to Decedent.

ACJA §§ 7-201(F)(1) and § 7-202(F)(1) require all fiduciaries to comply with the Code of Conduct contained in § 7-202(J).

§ 7-201(H)(6)(a) and (K)(3)

6. Grounds for Discipline. A certificate holder is subject to disciplinary action if the board finds the certificate holder has engaged in one or more of the following:

a. Failed to perform any duty to discharge any obligation in the course of the certificate holder's responsibilities as required by law, court rules, this section or the applicable section of the ACJA;

k. Engaged in unprofessional conduct, including:

(3) Failed to comply with any federal, state or local law or rule governing the practice of the profession or occupation;

§ 7-202(J)(1)(a) and (b):

J. Code of Conduct.

1. Duty to the Court.

a. The fiduciary shall perform all duties and discharge all obligations in accordance with current Arizona law, federal law, administrative rules, court orders, court rules, administrative orders, and the Arizona Code of Judicial Administration.

- b. *The fiduciary shall not act outside of the authority granted by the court and shall seek direction from the court as necessary and court authorization for actions that are subject to court approval...*

A.R.S. § 13-1504

Criminal trespass in the first degree; classification

A. A person commits criminal trespass in the first degree by knowingly:

- 1. Entering or remaining unlawfully in or on a residential structure.*

A.R.S. § 13-1801(A)(12) and (13).

Definitions

A. In this chapter, unless the context otherwise requires:

12. "Property" means anything of value, tangible or intangible, including trade secrets.

13. "Property of another" means property in which any person other than the defendant has an interest on which the defendant is not privileged to infringe, including property in which the defendant also has an interest, notwithstanding the fact that the other person might be precluded from civil recovery because the property was used in an unlawful transaction or was subject to forfeiture as contraband. Property in possession of the defendant is not deemed property of another person who has only a security interest in the property, even if legal title is in the creditor pursuant to a security agreement.

A.R.S. § 13-1802(A)(1)

Theft; classification; definitions

A. A person commits theft if, without lawful authority, the person knowingly:

- 1. Controls property of another with the intent to deprive the other person of such property...*

A.R.S. § 13-3003:

Opening, reading or publishing sealed letter of another without authority; classification

A person who knowingly opens or reads or causes to be read a sealed letter not addressed to himself, without being authorized so to do either by the writer of such letter, or by the person to whom it is addressed, or a person who, without

like authority, publishes the contents of such letter, knowing it to have been unlawfully opened, is guilty of a class 2 misdemeanor.

Records reviewed verified that on June 29, 1995, Dr. Ragheb executed a Financial and Medical Power of Attorney and Designation of Guardian and Conservator document and named PCS as agent. It reads, in pertinent part [italics added]:

Effective only upon my disability (as hereinafter defined) [sic]...hereby appoint PROFESSIONAL COMMUNITY SERVICES, INC.,[sic]...

Subsection 24 of the said document states, in pertinent part [italics added]:

Pursuant to Arizona Revised Statutes Section 14-5501, this power of attorney shall become effective only upon my disability, it being my intent that the power granted herein shall thereafter continue without interruption until my death unless previously revoked by me or by a conservator appointed for me. For the purposes of this paragraph, I shall be considered to be under disability when two physicians familiar with my physical and mental condition certify that I do not have the physical or mental capacity to transact ordinary business.

It is undisputed that upon Dr. Ragheb's death PCS took possession and control of his property. In the Response to the Complaint and in her interview with the Division, Hanks acknowledged that PCS never acted pursuant to the Financial and Medical powers of attorney. Hanks also acknowledged that any powers granted under the powers of attorney terminated upon Dr. Ragheb's death. PCS has acknowledged it had no authority over the property when it took possession and control of the property.

The resolution of this allegation revolves around how long a licensed fiduciary without real or apparent authority should exercise control over a decedent's property without seeking and obtaining authority from the court. In the instant situation, Dr. Ragheb died on March 19, 2015, and PCS began exercising control on that date or shortly thereafter. PCS did not seek judicial authority to control the property for eight (8) months, in November 2015.

While it seems reasonable that PCS should take some steps to protect and preserve Dr. Ragheb's property, the Division has found no legal obligation to do so. Regardless of whether a licensed fiduciary has such an obligation when there is no fiduciary relationship with the deceased, it seems that becoming a volunteer and taking steps to protect the property should not be discouraged. However, in this case, PCS took and maintained possession of the property for eight (8) months prior to seeking authority to take such actions.

During the eight (8) month period of time:

- PCS took possession of the house by taking possession of the keys and garage door openers and asserted they were responsible

- PCS removed the Trust, Powers of Attorney and other documents from Dr. Ragheb's home on March 19, 2015
- On March 19, 2015, just prior to Dr. Ragheb's death, PCS met with BOA representatives to see if PCS, acting as Power of Attorney, could be added to Dr. Ragheb's bank account. The Bank's legal department would not accept physician letters since was not signed (as required by the terms of the Power of Attorney).
- PCS removed additional property on March 23, 2015, and March 24, 2015 (watches, high end writing pens, and jewelry). On March 25, 2015, PCS returned to the property to ensure that nothing of value or perceived value was missed, adjusted the air conditioning temperature, secured and locked the residence. Hanks stated that this was done because "we were responsible even though we weren't legally responsible because there was nobody else to be responsible."
- PCS had Dr. Ragheb's mail forwarded to PCS shortly after his death and several months later opened his mail "when we got several of the same letters." Hamilton said that after several months "we started getting nervous" about what to do with these letters and they wanted to see what was going on and discovered bills "from the loan people," utility bills, and taxes. By opening the mail, they also discovered that the HOA had put a lien on the property. Hanks said they were "filing it for whoever took over, hopefully."
- Hanks stated that after PCS was at Dr. Ragheb's residence on March 25, 2015, no one returned to the home until about February 3, 2016, at which time PCS returned to complete the inventory of estate assets, after it was appointed Special Administrator and Successor Trustee on December 17, 2015. However, PCS' billing showed that PCS staff went to Dr. Ragheb's residence on June 18, 2015, to turn on the air conditioner, check property, and advise the security guard at the gate.

The facts obtained through the Division's investigation show that PCS did not act pursuant to the powers of attorney. Hanks said they took action to minimally secure the property. Given the circumstances confronting the fiduciary at the time when Dr. Ragheb died, Hanks and PCS appeared to take reasonable and responsible measures by obtaining the house keys, locking and securing the home. However, Hanks and PCS exceeded their stated objectives to minimally secure the property by entering the home on a number of occasions and removing estate planning documents, line of credit bank statements, and valuable property including watches, jewelry/stones and expensive writing pens, and did so without any judicial or other legitimate authority and remained in that status for eight (8) months.

The Complaint alleged that PCS, immediately and "under false pretenses" obtained keys to the property, entered the residence, and "stole" documents belonging to Dr. Ragheb.

All of the items removed from the residence are defined as property under A.R.S. § 13-1801(A)(12) and (13):

12. "Property" means anything of value, tangible or intangible, including trade secrets.

13. "Property of another" means property in which any person other than the defendant has an interest on which the defendant is not privileged to infringe...

PCS maintained control of that property within the meaning of A.R.S. § 13-1802(A)(1):

A. A person commits theft if, without lawful authority, the person knowingly:

1. Controls property of another with the intent to deprive the other person of such property...

Moreover, the Division's investigation found that Hanks forwarded Dr. Ragheb's mail to PCS shortly after his death. After several months and prior to any Court appointment and judicial authority, PCS opened Dr. Ragheb's mail, in violation of A.R.S. § 13-3003:

A person who knowingly opens or reads or causes to be read a sealed letter not addressed to himself, without being authorized so to do either by the writer of such letter, or by the person to whom it is addressed, or a person who, without like authority, publishes the contents of such letter, knowing it to have been unlawfully opened, is guilty of a class 2 misdemeanor.

With respect to the above-referenced statutes involving A.R.S. §§ 13-1801(A)(12) and (13), 13-802(A)(1), and 13-3003, the Division notes that the actions taken by PCS, as described in this Investigation Summary, may not rise to the level that a prosecutorial agency would exercise its discretion and pursue any possible violations of these statutes.

The Division further notes that while PCS was taking possession and control of the property, it was also seeking the beneficiaries to the Trust and attempting to be named Trustee. Egan's office contacted the BOA regarding the bank being named as Successor Trustee in Dr. Ragheb's Trust. After BOA declined to serve as Successor Trustee, Egan's office made repeated attempts to communicate, by telephone, email and letters, with the named beneficiaries of the Trust (Department of Pharmacology, University of Cairo, Egypt), seeking direction because the beneficiaries were empowered by the Trust to nominate a Successor Trustee. Egan also informed the beneficiaries that PCS was willing to serve as Successor Trustee.

During these efforts, PCS or its lawyer made numerous untrue representations:

- In emails from Egan's paralegal, Lisa Hudson ("Hudson"), dated April 3, 2015, and April 7, 2015, respectively, to two separate individuals at the Department of Pharmacology, at University of Cairo, Hudson wrote, "We have a client who has recently passed away and has named...I am trying to reach either your legal

department or an authorized agent for this Department to discuss several Estate Planning matters. It is not clear why Egan's office identified Dr. Ragheb as Egan's client. Hanks verified that he was not a client of the law firm.

- In a letter Egan sent to the University of Cairo, dated April 9, 2015, she wrote, in part, that her firm represented PCS "in its capacity as Power of Attorney" for Dr. Ragheb who has passed away. Later in the letter Egan wrote that PCS had no legal authority to handle Dr. Ragheb's affairs after he passed away.
- In an email, dated April 24, 2015, Hudson wrote to an individual at the Egyptian Cultural and Educational Bureau – Embassy of Egypt, stating, in part, that, "We are assisting the Power of Attorney (Professional Community Services) for Mr. Mohammed Aly Ragheb..." Later in the email she wrote, "The Power of Attorney, Professional Community Services, has agreed to act as Successor Trustee if approved..."
- In a second letter to the University of Cairo, dated May 19, 2015, Egan restated, in part, that her firm represented PCS "in its capacity as Power of Attorney" for Dr. Ragheb. Egan also wrote that PCS was appointed as his "Power of Attorney during his lifetime..."
- In a PCS fiduciary billing entry, dated September 28, 2015, regarding a telephone conference with attorney, Johnson, Hanks wrote, in part, "PCS served as Medical power of attorney and Durable power of attorney, briefly..."
- In a letter from Hanks to the HOA, dated January 27, 2016, she stated, in part, "Before his death Professional Community Services, Inc., was serving very briefly as his POA. We actually did not have time to get on any of his accounts before he died."

In fact, PCS was never in a fiduciary relationship with Dr. Ragheb.

The Division reviewed legal and fiduciary billings for professional services rendered services rendered. Hanks provided billings from The Egan Law Firm, PCS, and Fennemore Craig, P.C.

Billings from Egan's office showed it began its involvement on March 5, 2015, prior to Dr. Ragheb's death. A billing entry was dated March 5 but no charges were identified for a telephone conference with Hanks and a review of Certificate of Assistant Secretary of Bank of America, National Association. Egan billed from March 5, 2015, to February 1, 2016. Billing from March 20, 2015 throughout reflected legal work done regarding the estate including: record searches, calls and conferencing, contact with BOA and the beneficiaries.

- Billing from March 5, 2015 through October 8, 2015, totaled \$2,275.39.

- On February 1, 2016, Egan billed PCS \$55.00 to “Prepare letter to Audrey Hanks with original Declination of U.S. Trust.”
- Total legal billing from March 2015 – February, 2016, totaled \$2,330.39.

The Division primarily reviewed PCS’ billings from March 14, 2015 to October 8, 2015, which reflected a period of time when PCS began its involvement in this matter to several weeks prior to PCS filing its Petition on November 2, 2015.

- Total billing for that time period was \$6,349.50

The following are the fiduciary’s single entry billings for amounts over \$200.00:

- March 14, 2015: 3.50 hours at \$297.50:
 - Conferencing re: contact with Applegate, search PCS files, read and review POA from 1995, calls to Dr. Ragheb’s attorney who prepared original legal documents.
- March 16, 2015: 6.5 hours at \$578.00:
 - Travel to Phoenix to meet with Dr. Ragheb and Applegate, records were reviewed, bills that needed to be paid, signed on with hospice, coordinated care management, sorted through numerous paperwork and items, consulted with Egan.
- March 19, 2015: 7.8 hours at \$663.00:
 - Several conference calls, trip to BOA to be placed on bank accounts but legal department would not allow without two signatures from doctors regarding Dr. Ragheb’s disability/POA.
- March 19, 2015: 3.6 hours at \$306.00:
 - Call from mortuary, calls from hospice social worker, trip to BOA to see if bank will serve as Successor Trustee but they will not serve, trip to Egan’s office.
- March 23, 2015: 3.4 hours at \$289.00:
 - Call from mortuary, meeting with Egan, trip to decedent’s home to search for assets and legal documents.
- March 24, 2015: 9.9 hours at \$841.50:
 - Meeting with Egan, trip to property and cleaned out fridge and removed garbage, searched rooms for papers and assets, number of items found and

protected, paperwork located indicating BOA has copy of original Trust and Will.

- March 24, 2015: 6.50 at \$552.50:
 - Hamilton assisted Hanks with searching, sorting, clearing, removing valuable items until personal representative is named.
- March 25, 2015: 5.3 hours at \$450.50:
 - Trip to Dr. Ragheb's home to check security and just air conditioners, check mail, type up list of assets/loans/annual income found, trip to Egan's office to provide update, sort and store items until Trustee is named, email to Egan regarding assets and debt.
- April 1, 2015: 2.8 hours at \$238.00:
 - Trip to Egan's office.
- June 18, 2015: 2.6 hours at \$221.00:
 - trip to property, turn on air conditioner, check property inside and out, advise Gate

Fennemore Craig, P.C., was retained sometime in September 2015, and continues to be counsel of record. Billing from September 23, 2015 to October 21, 2015, showed that the law firm billed a total of \$1,215.00. Some of those billings reflected work done to review the probate and non-probate assets of the estate, review and analysis the file provided by Egan, calls to Egan's office. The firm was beginning to consider the next steps in administration and eventually filed the Petition.

Combined billings from Egan's office and PCS for work done on behalf of the estate from March 2015 – October 2015 was \$8,680.40.

In summary, Hanks' position was that PCS, with instruction from Egan, had to secure the home as to not leave the house open and unsecured. If Hanks and Hamilton attained the house keys/garage remotes, locked and secured the home but left documents and valuables in the residence then the stated purpose would have been realized. However, estate planning documents and Dr. Ragheb's other personal property, valued at over \$60,000.00 were also removed by the fiduciary and did so without authority. Moreover, Hanks had Dr. Ragheb's mail forwarded to PCS but the fiduciary later opened his mail out of concern for similar repeated letters. Although Hanks and PCS immediately intervened in March 2015, despite the circumstances as described in this report, PCS did not file a Petition with the Court to be appointed Successor Trustee and Special Administrator until November 2, 2015, eight (8) months after Dr. Ragheb's passing and, seemingly, after an immoderate period of time passed.

Notwithstanding initial and seemingly pragmatic efforts to secure Dr. Ragheb's property immediately following his death, Hanks and PCS engaged in and tolerated a protracted process by allowing approximately eight (8) months to lapse before seeking judicial authority to protect the estate. As well, correspondence from Egan's office to the beneficiaries of the Trust contained language that would appear to entice a party to believe that PCS was acting in the capacity of power of attorney for the estate. Moreover, by not obtaining judicial approval to act on the estate's behalf, Hanks and PCS purposefully granted itself the authorization to take possession of the house keys, freely enter the decedent's property, and remove estate planning documents and personal property belonging to Dr. Ragheb, valued at over \$60,000.00 as detailed in the inventory filed with the Court. Additionally, combined legal (\$2,330.39) and fiduciary fees (\$6,350.01) from March 2015 – October 2015, totaled \$8,680.40. In her interview, Hanks stated that fiduciary and legal fees have yet to be paid. The Division has not independently verified whether, to date, those bills have been paid.

Allegation 1 is substantiated.

Allegation 2: Complainant alleges Professional Community Services, Inc., filed a deliberately misleading petition in Superior Court.

The basis of Ragheb's allegation is that PCS misrepresented its relationship with Dr. Ragheb, its communication with beneficiaries, and the beneficiaries' position regarding Trusteeship. Ragheb said PCS stated that there had been communication with the beneficiaries but he believed this to be false because the beneficiaries did not acknowledge receipt and PCs implied that the beneficiaries had renounced by not manifesting themselves which Ragheb also said was false because beneficiaries had not been informed in the first place.

Ragheb further alleged PCS misled the Court by implying that PCS had been nominated to serve as Successor Trustee by Dr. Ragheb or that PCS had been named in a medical power of attorney from 1995 "exclusive for incapacity" and "until death." Ragheb said there was no evidence that PCS was ever authorized by doctors to serve "even in this capacity."

The Division reviewed the referenced Petition filed by PCS on November 2, 2015. Subclause 4 reads, in part, that PCS is interested in the matter because it was nominated by Decedent as agent pursuant to medical and financial powers of attorney. In fact, PCS was named agent under those powers of attorney in 1995 and, therefore, this was not a false or misleading statement.

The Division's investigation found that PCS was, in fact, named as agent under a 1995 powers of attorney document but, as previously stated, PCS never acted pursuant to those powers. While PCS made misrepresentations about its authority under powers of attorney, it does not appear that PCS misled the court in PCS's November 2, 2015 petition. In that filing, PCS indicated that it was interested in this matter because it was

nominated by Decedent as agent pursuant to medical and financial powers of attorney and that PCS is a licensed private fiduciary providing estate and administration services.

As to the allegation that PCS mislead the Court by stating that the beneficiaries of the Trust never responded. Sub-clause 11 of the Petition, reads, in part, that attorney Egan requested the Beneficiaries nominate PCS to serve as Successor Trustee but that despite multiple communications Beneficiary has not executed the nomination and, upon information and belief, has not otherwise a Successor Trustee, therefore, creating a vacancy in Trusteeship and that PCS has priority for appointment pursuant to A.R.S. § 14-10704(C)(3) because Beneficiary has not acted to nominate PCS or any other Successor Trustee.

The Division reviewed a letter Egan's office sent to the beneficiaries, dated May 19, 2015. In that letter, Egan stated that she attached an Appointment of Alternative Successor Trustee for their review and consideration should they agree to nominate PCS.

Email correspondence reviewed by the Division showed that on May 26, 2015, beneficiaries replied to Egan's office indicating, in pertinent part, "We would like to inform you that we accept the trust and we are in the process of forming a legal committee...to be in further contact with your firm concerning further processing concerning this trust."

An email, dated June 15, 2015, from Egan's office stated that some time had passed since Dr. Ragheb's passing and that until a Successor Trustee is appointed, there is no one with legal authority to protect the assets or handle any legal matters of the Trust. That email appears to include a PDF documented titled Letter and Appointment.

A follow up email from Egan's office, dated July 1, 2015, to various individuals in Egypt indicated, in part, that Egan's office had yet to receive a response regarding the Trustee issue. A reply from the beneficiaries dated July 2, 2015, stated that efforts were being made at putting officials in direct contact with Egan's office for any further decisions "from their side based on your guidance." The Division's investigation did not find evidence that beneficiaries responded by nominating PCS or any other person(s) as Successor Trustee.

Accordingly, the Division's investigation did not find evidence that PCS intentionally misled the Court by making a statement was misleading, inaccurate or false, or that contained misstatements, misrepresentations, or omissions of material facts, as set forth in ACJA § 7-202(J)(1)(3).

Allegation 2 is not substantiated.

Allegation 3: Complainant alleges Professional Community Services, Inc., when appointed, failed to secure the estate, did not pay bills, and did not complete an estate inventory.

PCS was appointed Successor Trustee and Special Administrator on December 17, 2015, as previously noted. Ragheb alleges, post appointment, the fiduciary failed to secure the estate, did not pay bills, and did not complete an inventory of estate assets.

Per the Court's Minute Entry, dated March 22, 2016, Hanks/PCS was ordered to file an Inventory and Appraisement by June 20, 2016. On June 20, 2016, PCS, by and through counsel, filed a Motion for Extension of Inventory Deadline and the Court granted an extension to August 19, 2016. PCS filed its inventory accordingly.

A review of estate account transactions, provided by PCS, showed that on January 27, 2016, PCS made payments to SRP, Maricopa County Treasurer (half property taxes), Homeowners insurance, City of Phoenix water/sewer, village association fees, and HOA payments. Other bills paid from January 27, 2016 through August 15, 2016, included appraisals for watches and gemstones, tax preparation, and carpet cleaning.

Hank stated that because it was a decedent's estate PCS had to be mindful of creditors and debits when using estate funds to pay bills.

The Division did not review all expenditures pertaining to this matter. PCS, as Court appointed Successor Trustee and Special Administrator, had judicial authority and responsibility to notify creditors and had discretion regarding administration of the estate and paying bills on behalf of the estate. Records reviewed indicated that pertinent estate bills such as utilities, property taxes, HOA fee and others were being paid.

Allegation 3 is not substantiated.

Allegation 4: Complainant alleges Professional Community Services, Inc., breached its fiduciary duty by making no effort to inform beneficiaries and family of Decedent's death.

Hanks claimed that she spoke privately with Dr. Ragheb on March 16, 2015, days prior to his death and asked him if he wanted anyone contacted to which he apparently said he did not. This statement seems to be consistent with the information provided by Applegate that he would contact his brother when ready and that Dr. Ragheb did not want anyone else to contact Ragheb.

Hanks said, in accordance with Dr. Ragheb's wishes, PCS did not reach out to Ragheb. She also noted that in 1995, Dr. Ragheb did not identify any family or friends on the intake form which accompanied the powers of attorney and Hanks understood that the brothers were estranged. Hanks acknowledged that PCS provided Ragheb's name and telephone number to the mortuary. She also said that Ragheb was not named in any of the estate planning documents.

The Division reviewed a copy of PCS' Client Intake Sheet, dated June 29, 1995. It contained various fields filled by hand written information. The relatives and friends fields contained the word "none." As well, the Client Intake Sheet also noted noise and

intrusion into personal life as “dislikes.”

Applegate indicated that the two brothers spoke occasionally but, to the best of her knowledge, no animosity existed between them.

A review of the Trust and Last Will and Testament verified that Ragheb was not listed as a Successor Trustee or as a beneficiary of the Trust or estate.

In written communication with the Division, dated September 15, 2016 and September 16, 2016, whereby Ragheb was asked to how often he communicated with his brother in the last five or ten years, Ragheb replied, “Sometimes, every day. Sometimes five or six times by month.” When asked about the last time he communicated with Dr. Ragheb, Ragheb said, “Few days before his death.”

There appears to be disagreement on the issue of familial contact between Dr. Ragheb and his brother. PCS stated that the two brothers were estranged based on Dr. Ragheb not identifying family or friends on the 1995 intake form and on PCS’s claim that, when asked, Dr. Ragheb did not want anyone notified of his pending death. Applegate indicated that Dr. Ragheb was very private but she was aware that the brothers contacted each other although not often. Ragheb represented that he communicated with this brother frequently.

Regarding Ragheb’s allegation that PCS failed to inform beneficiaries, Zuckerman said in her interview, that due to lack of contact and information Ragheb thought that PCS was lying about its contact with the Egyptian beneficiaries but after receiving a copy of PCS’ Response to the Complaint which contained email correspondence with the beneficiaries, Zuckerman and Ragheb realized that PCS did, in fact, make contact with them. However, Zuckerman said that when she called representatives from the Salvation Army, also named as beneficiary, no one at the Salvation Army had been contacted.

A review of a copy of the original Trust, dated June 29, 1995, showed that Dr. Ragheb named the Department of Pharmacology, University of Cairo, as the beneficiary. The Trust read that in the event that distributions could not be made to the Department of Pharmacology, then the Trust named the Faculty of Medicine, University of Cairo, and in the event distribution of assets could not be made to that institute, the Trust named the Salvation Army Phoenix. A Second Amendment to the Trust was found at Dr. Ragheb’s home on or about February 3, 2016. A review of the Second Amendment of the Trust, executed on March 2003, named the Faculty of Medicine, University of Assiut, Egypt; and University of Minia, Egypt, as beneficiaries.

Immediately after Dr. Ragheb’s death, Egan’s office, on behalf of PCS, began communications with the beneficiaries named in the original Trust.

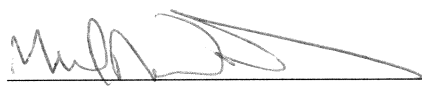
Allegation 4 is not substantiated.

SUBMITTED BY:


PASQUALE FONTANA, Investigator
Certification and Licensing Division


Date

REVIEWED BY:


Certification and Licensing Division


Date

DECISION OF THE PROBABLE CAUSE EVALUATOR:

Having conducted an independent review of the facts and evidence gathered during the course of the investigation of complaint number **16-0002**, the Probable Cause Evaluator:

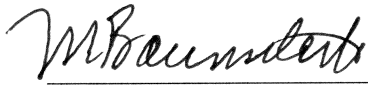
☐ requests division staff to investigate further.

☒ determines probable cause does not exist the certificate holder has committed the alleged acts of misconduct as to Allegation(s):

2, 3, & 4.

☒ determines probable cause exists the certificate holder committed the alleged acts of misconduct as to Allegation(s):

1.


Mike Baumstark
Probable Cause Evaluator


Date

**ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
ORDER OF THE BOARD**

<i>CERTIFICATE HOLDER/LICENSEE INFORMATION</i>	Certificate Holder:	Audrey Hanks	
	Certification Number:	20268	
	Business Name:	Professional Services	Community Services
	Certificate Number:	20312	

Prior Discipline: None

Recommendation:


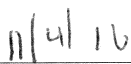
It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Audrey Hanks and Professional Community Services have not committed the alleged act(s) of misconduct as detailed in Allegations 2, 3 and 4 of the Investigation Summary and Allegation Analysis Report in complaint number 16-0002.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Audrey Hanks and Professional Community Services have committed the alleged act(s) of misconduct as detailed in Allegation 1 of the Investigation Summary and Allegation Analysis Report in complaint number 16-0002.

It is recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to Arizona Code of Judicial Administration (“ACJA”) § 7-201(H)(6)(a) for act(s) of misconduct involving ACJA §§ 7-201(H)(6)(a) and (K)(3), 7-202(J)(1)(a)(b), and A.R.S. §§ 13-1504, 13-1802(A)(1), 13—3003 by taking and maintain possession and control of property and opening mail for up to eight months prior to seeking proper authority for the actions.

It is further recommended the Board issue a Censure.

SUBMITTED BY:

	
Director	Date
Certification and Licensing Division	

FINAL DECISION AND ORDER:

The Board having reviewed the above Investigation Summary, Allegation Analysis Report, finding of the Probable Cause Evaluator, and Recommendation regarding complaint number 16-0002 and Audrey Hanks and Professional Community Services, certificate numbers 20268 and 20312, makes a finding of facts and this decision, based on the facts, evidence, and analysis as presented and enters the following order:

☐ requests division staff to investigate further.

☐ refers the complaint to another entity with jurisdiction.

Referral to: _____

☐ dismisses the complaint, and:

☐ requests division staff prepare a notice of dismissal pursuant to ACJA § 7-201(H)(5)(c)(1).

☐ requests division staff prepare a notice of dismissal and an Advisory Letter pursuant to ACJA § 7-201(H)(5)(c)(2).

☐ determines grounds for discipline exist demonstrating the certificate holder committed the alleged act(s) of misconduct and:

☐ enter a finding the alleged act(s) of misconduct or violation(s) be resolved through informal discipline, pursuant to ACJA § 7-201(H)(7) and issue a Letter of Concern.

☐ enter a finding the alleged act(s) of misconduct or violation(s) be resolved through formal disciplinary proceeding, pursuant to ACJA § 7-201(H)(9).

☐ requests the certificate holder appear before the Board to participate in a Formal Interview, pursuant to ACJA § 7-201(H)(8).

☐ orders the filing of Notice of Formal Charges, pursuant to ACJA § 7-201(H)(10).

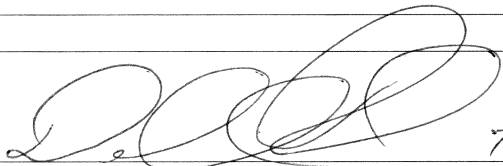
☐ enters a finding the public health, safety or welfare is at risk, requires emergency action, and orders the immediate emergency suspension of the certificate and sets an expedited hearing for:

Date, Time, and Location: _____

☒ adopts the recommendations of the Division Director.

☒ does not adopt the recommendations of the Division Director and ^{enters} orders:

Consent Agreement issuing Letter of Concern



Deborah Primock, Chair Date 7/13/17
Fiduciary Board

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